

Town of Garrett Park

Rules on Public Information Act (MD Title 10, Subtitle 6, Part III of the State Government Article)

Town of Garrett Park General Regulations

Adopted: June 8, 2015

Chapter 01: Public Information Act Requests

Authority: State Government Article, §§ 10-611 through 10-628.
Annotated Code of Maryland

.01 Scope.

This chapter sets out procedures under the Public Information Act for filing and processing requests to the Town for the inspection and copying of public records of the Town.

.02 Policy.

It is the policy of the Town of Garrett Park to facilitate access to public records of the Town, when access is allowed by law, by minimizing costs and time delays to applicants.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined:

1. "Act" means the Public Information Act, State Government Article, §§ 10-611 through 10-628, Annotated Code of Maryland.
2. "Applicant" has the meaning stated in §10-611(b) of the Act.
3. "Custodian" has the meaning stated in §10-611(c) of the Act.
4. "Town" means the Town of Garrett Park.
5. "Official custodian" has the meaning stated in §10-611(d) of the Act.
6. "Public record" has the meaning stated in §10-611(g) of the Act.
7. "Town Manager" means the Town Manager of the Town of Garrett Park.
8. "Working day" means a day other than Saturday, Sunday, or a State holiday.

.04 Town Manager as Official Custodian.

Unless otherwise provided by law, the Town Manager is the official custodian of the public records of the Town.

.05 Who May Request Public Records.

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Any person may request to inspect or obtain copies of public records of the Town.

.06 Necessity for Written Request.

A. Inspection.

1. Except as otherwise provided in this chapter, the Town Manager shall make public records of the Town available for inspection by an applicant without demanding a written request.
2. The Town Manager shall require a written request if the Town Manager reasonably believes that:
 - a. The Act or any other law may prevent the disclosure of some or all of the requested public records to the applicant; or
 - b. A written request will materially assist the Town in responding.

B. Copies

1. If the applicant requires one or more copies of any public record of the Town, the custodian may require a written request.

.07 Content of Written Request.

A written request shall:

- A. Contain the applicant's name and address;
- C. Be signed by the applicant; and reasonably identify, by brief description, the public record sought.

.08 Addressee.

A request to inspect or copy a public record of the Town shall be addressed to the Town Manager. If the Town Manager is not the custodian of the requested records, the Town Manager shall forward the request to the custodian; provided that the Town Manager is not obligated to forward requests that seek public records of other jurisdictions.

.09 Response to Request.

- A. If the Town Manager decides to grant the request for inspection, the custodian shall produce the public record for inspection:
 1. Immediately; or
 2. Within a reasonable time period, not to exceed 30 days after the date of the request, if that period is needed to retrieve the public record and conduct any necessary review.
- B.
 1. If the Town Manager decides to deny the request for inspection:
 - a. The Town Manager shall do so within 30 days after the request; and
 - b. Immediately notify the applicant of the denial.

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2. If the request is denied, the Town Manager shall provide the applicant, at the time of the denial or within 10 working days, a written statement that gives:
 - a. The reasons for the denial;
 - b. The legal authority for the denial; and
 - c. Notice of the remedies available for review of the denial.
- C. If a requested public record is not in the custody or control of the Town, the Town Manager shall, within 10 working days after the receipt of the request, notify the applicant;
 1. That the Town does not have custody or control of the requested public record; and
 2. If the Town Manager knows:
 - a. The name of the custodian of the public record; and
 - b. The location or possible location of the public record.
- D. With the consent of the applicant, any time limit imposed by §§A through C of this regulation may be extended for an additional period of up to 30 days.

.10 Notice to and Consideration of Views of Person Potentially Affected by Disclosure.

- A. Unless prohibited by law, the Town Manager may provide notice of a request for inspection or copying of any public record of the Town to any person who, in the judgment of the Town Manager, could be adversely affected by disclosure of that public record.
- B. The Town Manager may consider the views of a potentially affected person before deciding whether to disclose the public record to an applicant.

.11 Public Record Temporarily Unavailable.

If a requested public record of the Town is not immediately available for inspection or copying, the Town Manager shall promptly:

- A. Notify the applicant that the public record is not immediately available; and
- B. Schedule a date within a reasonable time for inspection or copying.

.12 Public Record Destroyed or Lost.

If a requested public record of the Town has been destroyed or lost, the Town Manager shall promptly:

- A. Notify the applicant that the public record is not available; and
- B. Explain the reason why the public record cannot be produced.

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.13 Review of Denial.

- A. If the Town Manager denies a request to inspect or copy a public record of the Town, the applicant may, within 30 days after receipt of denial, request an administrative hearing before the Town Council.
- B. If the hearing results in a total or partial denial of the request, the applicant may file an appropriate action in the circuit court under §10-623 of the Act.
- C. If the applicant does not request a hearing, the applicant may file an action for judicial enforcement under §10-623 of the Act without exhausting that administrative remedy.

.14 Disclosure Against Public Interest.

- A. Denial Pending Court Order.
 - 1. If, in the opinion of the Town Manager, disclosure of a public record of the Town otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Town Manager may temporarily deny the request to obtain a court order allowing nondisclosure.
 - 2. The temporary denial shall be in writing.
- B. Circuit Court Review.
 - 1. Within 10 working days after the denial, the Town Manager shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.
 - 2. Notice of the Town Manager's complaint shall be served on the applicant in the manner provided for service of process by the Maryland Rules of Procedure.

.15 Fees

- A. The fee schedule for copying and certifying copies of public records of the Town shall be determined by the Town Manager at least annually based upon the costs to the Town of providing such copies. The Town Manager shall notify the Town Council of the revised fee schedule and shall post the schedule in the Town website.
- B. Certification of Copies. If an applicant requests that a copy of a public record be certified as a true copy, an additional fee determined by the Town Manager shall be charged.
- C. Minimum Fee. No charge will be made if the total charge is \$1.00 or less.
- D. Notwithstanding §A of this regulation, if the fee for copies or certified pages of any public record of the Town is specifically set by law other than the Act or this regulation, the Town Manager shall charge the prescribed fee.
- E. If the Town Manager cannot copy a public record within the Town Office, the Town Manager shall make arrangements for the prompt

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reproduction of the record at public or private facilities outside the Town Office. The Town Manager shall:

1. Collect from the applicant a fee to cover the cost of reproduction; or
2. Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

F. Before copying a public record of the Town, the Town Manager shall estimate the cost of reproduction and either:

1. Obtain the agreement of the applicant to pay the cost; or
2. Require prepayment of the cost; or
3. Require a deposit toward payment of the cost.

G. Except as provided in §I of this regulation, the Town Manager may charge a reasonable fee for the time that an official or employee of the Town spends:

1. To search for requested records; or
2. To prepare public records for inspection and copying.

H. The fee charged by the Town for the time that an official or employee of the Town spends to search for requested records and/or to prepare public records for inspection and copying shall be determined by the Town Manager. The Town Manager shall notify the Town Council of the revised fee schedule and shall post the schedule on the Town website. The fees shall reflect the costs to the Town of providing these services.

The Town Manager may not charge a search or preparation fee for the first 2 hours that an official or employee of the Town spends to respond to a request for public records. If the Town Manager believes that search and preparation activities to respond to a request shall exceed 2 hours, the Town Manager shall promptly provide the applicant with a written estimate of the amount of time needed to respond and the cost of such activities.

J. Waiver or Reduction of Fee.

1. The Town Manager may waive or reduce any fee set under this regulation if:
 - a. The applicant requests a waiver or reduction; and
 - b. The Town Manager determines that the waiver or reduction is in the public interest.
2. The Town Manager shall consider, among other relevant factors, the ability of the applicant to pay the fee.

K. If the applicant requests that copies of a public record of the Town be mailed or delivered to the applicant or to a third party, the Town Manager may charge the applicant for the cost of postage or delivery. The Town shall not be obligated to conduct search or preparation activities or provide copies if the applicant declines to pay the costs or fees as specified in this section.

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.16 Time and Place of Inspection.

- A. An applicant may inspect any public record of the Town that the applicant is entitled to inspect during normal working hours of the Town Office.
- B. The inspection shall occur where the public record is located, unless the Town Manager, after taking into account the applicant's expressed wish, determines that another place is more suitable and convenient.

Chapter 02: Correction or Amendment of Public Records

Authority: Town's authority to adopt regulations.
State Government Article, §§ 10-611 through 10-628.
Annotated Code of Maryland.

.01 Scope.

This chapter sets out procedures under which a person in interest may request the correction or amendment of public records of the Town.

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - 1. "Act" means the Public Information Act, State Government Article, §§ 10-611 through 10-628, Annotated Code of Maryland.
 - 2. "Applicant" has the meaning stated in §10-611(b) of the Act.
 - 3. "Custodian" has the meaning stated in §10-611(c) of the Act.
 - 4. "Town" means the Town of Garrett Park.
 - 5. "Person in interest" has the meaning stated in §10-611(e) of the Act.
 - 6. "Official custodian" has the meaning stated in §10-611(d) of the Act.
 - 7. "Public record" has the meaning stated in §10-611(d) of the Act.
 - 8. "Town Manager" means the Town Manager of the Town of Garrett Park.
 - 9. "Working day" means a day other than Saturday, Sunday, or a State holiday.

.03 Who May Request.

A person in interest may request that the Town correct or amend any public record that:

- A. The Town keeps; and
- B. The person in interest is authorized to inspect.

.04 Contents of Request.

- A. A person in interest shall make a request to correct or amend a public record in writing.

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B. The request shall:

1. Identify the public record to be corrected or amended;
2. State the precise correction or amendment requested;
3. State the reason for the correction or amendment; and
4. Include a statement that, to the best of the requester's belief, the public record is inaccurate or incomplete.

.05 Addressee.

A request to correct or amend a public record of the Town shall be addressed to the Town Manager, Town of Garrett Park, PO Box 84, Garrett Park, MD 20896.

.06 Return of Nonconforming Request.

- A. The Town shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.
- B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Town shall return the request to the requester with:
1. An explanation of the reason for the return; and
 2. A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.

.07 Response to Request.

Within 30 days after the Town receives a request for correction or amendment that reasonably complies with Regulations .04 and .05 of this chapter, the Town Manager shall:

- A. Make the requested correction or amendment, and inform the requester in writing of the action; or
- B. Inform the requester in writing that the Town will not:
1. Make the requested correction or amendment and the reason for the refusal; or
 2. Act on the request because
 - a. The requester is not a "person in interest";
 - b. The requestor is not authorized to inspect the record; or
 - c. Of any other reason authorized by law.

.08 Refusal of Request

If the Town refuses to make a requested correction or amendment, a person in interest may file with the Town a concise statement of the reasons for:

- A. The requested correction or amendment; and

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- B. The person's disagreement with the refusal of the Town to make the correction or amendment.
- C. The Town must file both the request and the refusal in the Town records.

.09 Providing Statement of Disagreement.

If a person in interest files a statement of disagreement concerning a public record under Regulations .08 and of this chapter, the Town shall provide a copy of the statement when the Town discloses the public record to a third party.

10. Administrative Review.

- A. A person may request administrative review by the Town Council under this regulation if the Town:
 - 1. Has refused the person's request to correct or amend a public record under Regulation .07 of this chapter;
 - 2. Has rejected the person's statement of disagreement under regulation .08 of this chapter; or
 - 3. Has not provided a statement of disagreement to a third party under regulation .09 of this chapter.
- B. A request for review shall be filed with the Town Manager within 30 days after the requester is advised of the Town's action.
- C. The review proceedings shall be conducted in accordance with the administrative hearing regulations of the Town.